

5. Stated concern about the vegetated area on the north of the development and below the accessory structure and wants to make sure that the owners will take care of the area to prevent wildfire danger, by creating defensible space, and make sure the oak trees are trimmed up as part of the conditions.
6. Stated no support for the covered parking, and feels the solar panels can be put on something else.

Mr. Macari clarified the Commissions' questions regarding the retaining walls.

MOTION: Jacobs/Mahan

Assigned Resolution No. 053-05

Make the findings for modifications 1, 2, 4, and 5; denying the modification for the excess of 750 square feet of covered parking, and include in the conditions of approval that the applicant will provide a defensible space on the north side for fire protection, and that ABR will also look at the placement of the solar panels.

Comments to the motion:

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Maguire announced the ten calendar day appeal period.

Recessed at 5:20 p.m., and reconvened at 5:28 p.m.

ACTUAL TIME: 5:28 P.M.

D. APPLICATION OF KEN MARSHALL, AGENT FOR REGENCY REALTY GROUP, INC., 3757-3771 STATE STREET, APNs: 051-040-046, 049, 052, 053, C-P RESTRICTED COMMERCIAL AND C-2 COMMERCIAL ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCE/OFFICES (MST2005-00156)

The subject project would be proposed on a combined 3.54-acre site located at the southwest corner of State Street and Hitchcock Way. The site is bordered by San Roque Creek to the south and Barger Canyon Creek to the west. The proposed project involves demolition of 58,325 square feet of commercial buildings and construction of four new one-story commercial/retail buildings totaling 69,581 square feet. The project also includes new surface and rooftop parking for 281 cars and grading and drainage improvements, creek habitat restoration and public improvements.

The purpose of the concept review is to allow the Planning Commission an opportunity to review the proposed project design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed land use and design. No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project. It is anticipated that, upon review and formal action on the application for the development proposal, the proposed project will require the following discretionary applications: a Development Plan for development in the C-P Zone; a Development

Plan for non-residential development from the minor and small addition categories; a Transfer of Existing Development Rights for Measure E purposes; a Modification to provide less than the required number of parking spaces; a Modification of the required front yard setback along State Street; a Modification of the required front yard setback along Hitchcock Way; Design Review by the Architectural Board of Review for nonresidential development; Historic Landmarks Commission review and approval of the Phase 1 Archaeological Resources Report; and a Lot Merger of three contiguous parcels.

Ms. Allen gave a brief presentation of the project.

Mr. Dayton talked about the traffic analysis.

Brian Cearnal, Applicant, introduced his staff and gave a presentation of the project.

Michael Besancon, President, Whole Foods Market, gave a brief presentation about his company.

Rachel Tierney, Project Biologist, spoke about the resources in the two creeks.

The public hearing opened at 6:12 p.m., and the following people spoke in opposition to the project:

Connie Hannah

Joe Guzzardi

Naomi Kovacs

Paul Hernadi

Dennis Sborg (Naomi Kovacs read his letter as Mr. Sborg had to leave the meeting)

The following person expressed her concerns regarding this project:

Mickey Flacks

Alex Pujo

With no one else wishing to speak, the public hearing was closed at 6:33 p.m.

Commissioners' comments and questions:

1. Asked why the rooftop parking did not continue over the Circuit City roof.
2. Asked staff for clarification regarding trip generation and net zero.
3. Asked if there is a change in Circuit City's operations that warrant the proposed reduction in square footage. The traffic study indicates a reduction in trips; perhaps the number of trips should remain the same or increase.
4. Asked if there have been studies of other Whole Food locations that may have similar traffic patterns to this project.
5. Stated concern about the westbound trips along State Street: the potential increase of left turns onto Hitchcock Way and conflicts with bicyclists.

6. Asked if the traffic analysis considered the variety of services (i.e., deli) available in a Whole Foods market.
7. Asked the biologist's opinion on installation of a bridge across either creek at any point, and the potential for biological impacts.
8. Asked if the project proposes a CDS storm drain system to enhance the cleansing ability of the run off from the site.
9. Requested additional detail regarding employment generation and operations.
10. Requested that traffic analysis be based on observed, as opposed to theoretical, numbers. Credible analysis is most important for the public and the Commission.
11. Consider restudy of the sewer easement issue in order to site the building further away from the creek.
12. Consider Circuit City at the corner of State and Hitchcock in order to provide more flexibility for siting of Whole Foods.
13. Asked biologist if the eucalyptus and the creek are a butterfly habitat.
14. Asked applicant about the most viable location for housing if it were included.
15. Asked staff if the City has any plans for some additional street cut throughs in this area to help relieve traffic.
16. Consider providing several traffic analysis methodologies to include averaging and other new Whole Foods store locations as a basis for comparison with the existing traffic analysis approach.
17. Asked if the project includes a creek restoration study.
18. Asked if staff looks at footprint intensity in evaluating a big project like this. Asked if housing were incorporated into this project what the traffic and parking impact would be.
19. Asked since Circuit City is opposed to rooftop parking; is there any possibility of proposing solar panels for the rooftop.
20. Asked why underground parking like Ralph's has not been proposed.
21. Asked if the trip generation analysis includes ADT rates for each land use, and clarification if that the rate is an average.
22. Asked if a traffic range could be provided in addition to the average rate.

Erwin Bucy, Regency Centers, addressed the questions regarding Circuit City.

Commissioner Jostes left at 7:37 p.m.

Mr. Dayton answered the Commission's questions regarding numbers on land use and primary trips (traffic study). He also addressed any possible studies as well as if housing were incorporated into this project what the traffic impact would be.

Ms. Tierney addressed the creeks permitting process and indicated that the creeks and eucalyptus are not a butterfly habitat.

Ms. Hubbell went on to clarify more about the permitting process.

Mr. Cearnal and Mr. Besancon answered the questions regarding the drainage and employment.

Mr. Cearnal stated that the best place for housing would be facing west on the side of the creek that is going to be the most enhanced.

Ms. Johnson addressed the sewer system.

Steve Wang, Penfield and Smith, further elaborated on the sewer system.

Mr. Dayton addressed traffic parking studies.

Ms. Hubbell stated that most of these studies are done with peak hours in mind. She also noted that more information is needed before they can determine if an EIR will be needed, and as for the creek restoration study, it will be provided if requested.

Commissioners' comments:

1. Stated support for redevelopment of the site including the commitment to green building techniques. Would like to have the applicant study the following: a shuttle to serve Upper State Street, underground parking, pedestrian/bicycle links from the site to Hope Avenue and to YMCA across the creeks, additional setbacks from State Street, a lot less surface parking, provide additional open space in a couple of ways (focusing on the creek and/or creating a patio/open space similar to downtown Ralph's), and inviting sidewalks, and appropriate creek restoration with less hardscape.
2. Project has the opportunity to set a positive precedent for Outer State Street. Needs to be re-oriented from the automobile to pedestrians. Draw people to the creek confluence to see a rejuvenated creek. Provide more information on why the buildings are the sizes that are proposed.
3. Need to promote a vision for Outer State Street that is much more pedestrian friendly. Area between buildings along State Street needs to be a pocket park with fountain, pergola, seating, etc.
4. Stated concern regarding the light pollution from the proposed rooftop parking. Encourage underground parking instead.
5. Positive comments about the overall reduction in curb cuts.
6. Provide further study of solutions regarding the sewer line location.
7. Creek needs to be further protected. Pull further back from creek. Consider replacing eucalyptus trees over time. Creek should become a public open space. Work with YMCA to improve their side of the creek.
8. Incorporate housing into the project; one commissioner stated housing would not be expected to be affordable.
9. Stated that the traffic issues require more scrutiny, as a result of the project, but also comprehensively in the Outer State Street area. Would like a range of traffic generation analyses provided, rather than just average rates. Concerned that traffic analysis shows reduction in trip generation for Circuit City, based on small decrease in square footage, but applicant states that it will have a more efficient layout.
10. One commissioner stated support for the front yard setback modification requests on both State Street and Hitchcock Way, as this would bring the buildings closer to the street.

Others stated willingness to consider some setback modification, but not as much as presently proposed.

Ms. Hubbell addressed Mr. Cearnal's request by giving a little history on guidelines.

Mr. Cearnal asked for clarification on setback modifications, and asked if a straw vote can be taken. He also stated that it seems like they can't have project here with this amount of stores without an access from State Street. He cannot take all access from Hitchcock and he just wants to be sure that it is understood they are going to have to have a curb cut on State Street for access. Lastly, requested the Commission to provide direction on how many residential units they would recommend.

VI. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

Commissioner Jacobs reported on the Neighborhood Preservation Ordinance Steering Committee and the Airport Terminal Design Committee.

B. Review of the decisions of the Modification Hearing Officer in accordance with SBMC §28.92.026.

None.

VII. ADJOURNMENT

The meeting was adjourned at 8:00 p.m. to a Special Joint Meeting with the City Council, Transportation Circulation Committee, Metropolitan Transit District, and the Downtown Parking Committee at 3:00 p.m. at the Cabrillo Pavilion Arts Center, 1118 E. Cabrillo Boulevard on Wednesday, July 20, 2005.

Submitted by,

Deana Rae McMillion, Admin/Clerical Supervisor for Liz N. Ruiz, Planning Commission Secretary